

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GREGORY N. LEONARD,

4 Plaintiff

Case No. 3:17-cv-00549-RCJ-CBC

ORDER

5 v.

6 DR. MARTIN NAUGHTON et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 On March 12, 2019, this Court entered a screening order and dismissed the entire
11 first amended complaint, with prejudice, for failure to state a claim. (ECF No. 20 at 8).
12 The Clerk of the Court entered judgment. (ECF No. 21). On March 25, 2019, Plaintiff
13 filed a motion petition for rehearing. (ECF No. 23). On April 9, 2019, Plaintiff filed a notice
14 of appeal. (ECF No. 24). On April 12, 2019, the Ninth Circuit issued an order holding the
15 appeal proceeding in abeyance pending this Court's resolution of ECF No. 23. (ECF No.
16 26).

17 A motion to reconsider must set forth "some valid reason why the court should
18 reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to
19 persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d
20 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented
21 with newly discovered evidence, (2) committed clear error or the initial decision was
22 manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist.*
23 *No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration
24 is not an avenue to re-litigate the same issues and arguments upon which the court
25 already has ruled." *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev.
26 2005).

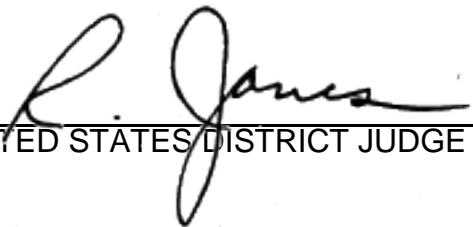
27 The Court interprets Plaintiff's motion petition for rehearing (ECF No. 23) as a
28 motion for reconsideration. The Court has reviewed the motion and finds that Plaintiff

1 fails to present any newly discovered evidence. Additionally, the Court finds that it did
2 not commit clear error or that its initial decision was manifestly unjust or that there was
3 an intervening change in controlling law. The Court denies the motion.

4 **II. CONCLUSION**

5 For the foregoing reasons, it is ordered that the motion for reconsideration (ECF
6 No. 23) is denied.

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8 DATED THIS 21st day of May, 2019.

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11 UNITED STATES DISTRICT JUDGE
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